

**STATE OF IDAHO  
OUTFITTERS AND GUIDES LICENSING BOARD  
SPECIAL CONFERENCE CALL  
BOARD MEETING**

**FINAL MINUTES**

**APRIL 29, 2020**

**(KEY: MSC = MOTION: MADE, SECOND: CARRIED  
MSF = MOTION: MADE, SECOND: FAILED)**

**THE SPECIAL MEETING OF THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD WAS CALLED TO ORDER AT 10:00 A.M. ON APRIL 29, 2020 IN THE MEETING ROOM AT THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD OFFICE, 1365 N. ORCHARD STREET, ROOM 172, BOISE, IDAHO. PARTICIPATING BY CONFERENCE CALL WERE BOARD MEMBERS BOB BAROWSKY (CHAIRMAN), LOUISE STARK, WAYNE HUNSUCKER, ZACH MASON, GEORGE MCQUISTON, EXECUTIVE DIRECTOR LORI THOMASON AND BOARD LEGAL COUNSEL ROGER HALES. PRESENT IN THE OFFICE WERE OFFICE SUPERVISOR AMANDA HARPER AND EDUCATION AND ENFORCEMENT CHIEF RANDY WADLEY.**

**ROLL CALL** – A roll call was taken.

**PETITION FOR RECONSIDERATION FOR LANCE COLE** – Board Counsel Roger Hales explained that a petition for reconsideration was submitted by Lance D. Cole. He explained this reconsideration is in reference to the Board order from the March 25, 2020 guide license hearing where Mr. Cole was assessed a \$5,000 fine and denial of his 2020 license for a felony conviction due to a fourth DUI.

**EXECUTIVE SESSION – MSC (MOTION: MCQUISTON; SECOND: STARK; AYES – STARK, MCQUISTON, MASON AND BAROWSKY; NAYES – NONE) MOTION TO GO INTO EXECUTIVE SESSION AT 10:15 A.M. TO DISCUSS THE PETITION FOR RECONSIDERATION WITH LEGAL COUNSEL PURSUANT TO IDAHO CODE SECTION 74-206(1)(f).**

*Board member Wayne Hunsucker joined the meeting by conference call during the executive session.*

**MSC (MOTION: MASON; SECOND: MCQUISTON; AYES – HUNSUCKER, STARK, MCQUISTON, MASON AND BAROWSKY; NAYES – NONE) TO COME OUT OF EXECUTIVE SESSION AT 10:38 A.M. WITH NO DECISIONS MADE.**

**ROLL CALL** – A roll call was taken.

**CONT. PETITION FOR RECONSIDERATION FOR LANCE COLE MSC** – The board did a round table discussion relative to the petition for reconsideration for Mr. Cole. Board member George McQuiston expressed that in light of COVID-19 the original fine that was assessed of \$5,000 may be a little steep. He continued that with the pattern Mr. Cole has displayed, the fact that this is the second time Mr. Cole has appeared before the Board under similar circumstances, and now Mr. Cole has raised to the level of felony, he felt that the Board has a responsibility to act decisively and deny Mr. Cole a guide license for a year and stands behind the decision to not relicense. Mr. McQuiston stated that with his knowledge as an outfitter, he knows that there are many jobs that do not require a guide license and he felt that Mr. Cole could still be gainfully employed by an outfitter without his guide license or driving

clients around. Board member Wayne Hunsucker expressed that he was in full agreement with Mr. McQuiston about the COVID-19 concerns and that the fine may be steep. Mr. Hunsucker continued that due to promises not being kept in the past about drinking and driving, he has no confidence in Mr. Cole at this time that he wouldn't offend again. Board member Zach Mason stated that he was not in agreement with the fine and suspension in the original motion from the March 25, 2020 hearing, and he thinks it should be either the fine or suspension. Mr. Mason also stated that the COVID-19 situation should be kept in mind if a fine is assessed. Board member Louise Stark expressed that the State of Idaho and the court system has already identified some very stringent repercussions to Mr. Cole if he should not follow the court's orders to include driving restrictions that cannot be circumvented. Ms. Stark believes there were valid points presented in the petition for reconsideration and that the fine of \$5,000 was excessive. She stated that her original motion from the March 25, 2020 hearing was to assess a \$600 fine with two-years restricted probation, which she still believes should be assessed during this reconsideration.

**(MOTION: MASON; SECOND: STARK; AYES – STARK, MCQUISTON, MASON, HUNSUCKER AND BAROWSKY; NAYES – NONE) GRANT THE MOTION FOR RECONSIDERATION OF ORIGINAL FINDINGS.**

**(MOTION: MCQUISTON; SECOND: HUNSUCKER; AYES – MCQUISTON, HUNSUCKER AND BAROWSKY; NAYES – STARK AND MASON) IN LIGHT OF THE COVID-19 SITUATION, THE FINE ASSESSED IN THE ORIGINAL BOARD ORDER WILL BE WAIVED BUT MR. COLE'S LICENSE FOR THE 2020 LICENSE YEAR IS STILL DENIED. IF MR. COLE REAPPLIES FOR A GUIDE LICENSE AFTER THE 2020 LICENSE YEAR THE BOARD WILL REVIST AND CONSIDER THE APPLICATION AT THAT TIME.**

The Board directed counsel to draft the order for the Board Chair signature.

**DIRECTOR'S EVALUATION** – Board Chairman Bob Barowsky explained that he is waiting on a response from the Division of Human Resources (DHR) with a revision to the Director's evaluation forms before moving forward in completing it. Misty Lawrence with Division of Financial Management (DFM) explained that in light of the COVID-19 situation, this year requests for director pay increases should not be made. She also said that the Board may send to the Governor's office what they evaluated the director at, which should be completed on or before July 1<sup>st</sup> to fit in with the annual review process.

**AGENCY COVID-19 AND BUDGET UPDATE – Agency budget and licensing update** – Director Lori Thomason reported that the free fund balance as of April 27, 2020 was \$545,269.54. She stated that as of the same date 372 outfitters and 1,372 guides have renewed for the 2020 license year. Ms. Thomason stated that IOGLB was originally appropriated \$633,100 for the fiscal year of 2021, but due to the COVID-19 situation, she was asked to do a 5% budget reduction which she chose to take out of personnel. Ms. Thomason also informed the Board that the State of Idaho has decided not to approve CEC raises for employees this year. **COVID-19 update** – Director Thomason let the board know that by direction of the Governor's office, the staff has continued to telecommute and will until June 2020. She also informed them that once the staff returns to work, masks, gloves and hand sanitizer will be available. The Board Chair asked that a plexiglass be purchased for the front receptionist area.

**(MOTION: MCQUISTON; SECOND: MASON; AYES – MCQUISTON, HUNSUCKER, STARK, MASON AND BAROWSKY; NAYES – NONE)** With no further business to come before the Board, Board Chairman Bob Barowsky adjourned the meeting at 11:20 a.m., Wednesday April 29, 2020.

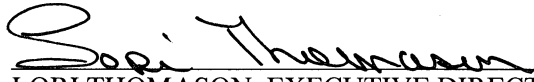
*Bob Barowsky*

*June 16, 2020*

BOB BAROWSKY, BOARD CHAIRMAN

Date

ATTEST:



LORI THOMASON, EXECUTIVE DIRECTOR

*6-16-2020*

Date